

CHANGES

IN THE

General Statutes of 1878,

OF THE

STATE OF MINNESOTA,

EFFECTED BY THE GENERAL LAWS OF THE EXTRA
SESSION OF 1881, AND THE REGULAR
SESSION OF 1883.

Arranged with reference to the Chapter and Section Amended.

SAINT PAUL:
WEST PUBLISHING COMPANY.
1883.

CHAPTER XXXVIII.

PUBLIC LANDS.

§ 47. (SEC. 52.) Change first sentence to read:

The commissioner may sell the timber on the pine lands in this state, including tamarack and pine suitable for railroad ties, and cedar suitable for posts or telegraph poles, when the same is liable to waste, as provided in this section, and not otherwise. (1883, c. 6, § 1.)

See page 518.

AGRICULTURAL COLLEGE LANDS.

Add to § 55, p. 520, the following:

Provided, that all the provisions of law relating to the taxation of school lands, and the rights of purchasers at any forfeited tax sale of such lands, as contained in section twenty-one of title one of this act, shall apply to all sales of lands made under the provisions of this title. (1881, *Ex. Sess.* c. 12, § 1.)

§ 56. (SEC. 54.) Change "five per centum," in line three, to "four and one-half per centum." (1883, c. 15, § 1.)

See page 520.

NOTE.—Prior purchase of bonds bearing four and one-half per cent. legalized. (*Id.* § 2.)

CONSENT TO PURCHASE OF LAND BY UNITED STATES.

Note to *§ 99, p. 527:

Consent of state to purchase land in this state for the purpose of erecting a building to be used as a depot for army supplies,—certain land in St. Paul being described,—and jurisdiction over same is ceded to the United States from date of purchase, reserving concurrent jurisdiction for the execution of state law upon or over same. (1883, c. 94, §§ 1, 2, and 3.)

See page 527.

LANDS CEDED TO THE UNITED STATES FOR RESERVOIRS.

*§ 109. **Right to overflow state lands given to United States.** That whereas, it is proposed by the United States to improve the navigation of the Mississippi river by the construction of dams and the creation of reservoirs upon the head waters of said river and its tributaries, causing possible overflow and damage to the lands bordering upon such reservoirs, therefore, in consideration of such improvements, there is hereby ceded to the United States the right to overflow, so far as necessary in the construction of any such dams and reservoirs, any and all lands owned or held by the state, and that all right or claim of the state for damages occasioned by any such overflow, whether against the United States or any agent or employe thereof, be and the same is hereby fully released and satisfied. (1881, *Ex. Sess.* c. 60, § 1.)

See page 528, and Supp. 1881, p. 86.

*§ 110. **Right to overflow or take private lands by United States.** In case it shall be found necessary or proper to overflow, occupy, or take the lands of any person in the prosecution or maintenance by the United States government of any works of public improvement on any of the rivers, lakes, or harbors of this state, the United States are hereby authorized and empowered to take, overflow, use, or occupy any lands necessary, requisite, or proper for the carrying on the public works of improvement on said rivers, lakes, or harbors within the state, in the same manner and with like effect as is now provided by title one, chapter thirty-four, General Statutes A. D. one thousand eight hundred and seventy-eight, relating

to the taking of private property for public uses by corporations; and all the provisions of law in said title, so far as the same may be applicable, shall apply in relation to such overflow, use, occupation, or taking, and the assessment of damages therefor, as if the United States were a corporation duly organized under said title. (1881, *Ex. Sess.* c. 67, § 1.)

See page 528.

SALE OF ISLANDS IN WATERS OF STATE.

*§ 111. **State auditor to sell islands belonging to state.** That the state auditor of this state is authorized to cause to be surveyed and platted any island belonging to this state, in any river or lake, or within any of the waters of this state, and after such lands shall have been surveyed and platted, the state auditor shall be authorized to sell the same at such times and in such parcels as to him shall seem best for the interests of the state, *provided*, that no such sale shall be made without public notice thereof first having been given of the time and place thereof, as in case of sales of other public lands belonging to the state. (1883, c. 98, § 1.)

See page 528.

CHAPTER XXXIX.

CHATTEL MORTGAGES.

§ 2. **Filing of mortgages—where filed.** Every such instrument shall be filed in the town, city, or village where the property mortgaged is at the time of the execution of such mortgage, and a copy thereof filed in the town, city, or village where the mortgagor, if a resident of this state, resides at the time of the execution thereof. In each town such instrument shall be filed in the office of the town clerk thereof, and in the several cities and villages, in the office of the recorder, clerk, or other officer in whose custody the records of the city or village are kept, and each of the officers hereinbefore named shall file all such instruments when presented for that purpose, indorse thereon the time of reception, the number thereof, and shall enter in a suitable book to be provided by him at the expense of the town, city, or village, with an alphabetical index thereto, under the head of mortgagors and mortgagees, respectively, the names of each party to such instrument, and in separate columns opposite such names the number of the instrument, the date, the amount secured thereby, when due, and the date of filing the same. Such instrument or copy shall remain on file for the inspection of all persons interested. (1883, c. 38, § 1.)

See page 529.

*§ 14. **Add:**

Provided, that the fact of sale, without the written consent of the mortgagee or assignee being established on the trial, shall be *prima facie* evidence of a fraudulent intent on the part of the vendor. (1883, c. 23, § 1.)

See page 531.

*§ 16. **Filing of notes, etc.—where filed—indexing.** Every such note or other evidence of indebtedness or contract, or a copy thereof, shall be filed in the town, city, or village where the vendor resides at the time of the making thereof. In each town such instruments shall be filed in the office of the town clerk thereof; and in the several cities and villages, in the office of the recorder, clerk, or other officer in whose custody the records are kept; and each of the officers hereinbefore named shall file all such instruments when presented for that purpose, endorse thereon the time of reception, the number thereof, and shall enter in a suitable book, to be provided by him at the expense of the town, city, or village, with an alphabetical index thereto, under the head of vendor and vendee respectively, the names of each party to such instrument, and in separate columns opposite such names the num-